IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 16742 of 2005(R)

PETITIONER:

SMT. ANNIE JOSE,
PUTHUSSERY, VALLUVALLY, KOONAMMAVU,ERNAKULAM DIST.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS:
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1. THE SECRETARY,
LABOUR AND REHABILITATION DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE EXECUTIVE OFFICER,
KERALA MOTOR WORKERS WELFARE FUND BOARD,
ERNAKULAM.

3. DEPUTY TAHSILDAR,
TALUK OFFICE, N. PARAVOOR.

R2 BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE PROCEEDINGS DATED 1.8.2003 ISSUED BY THE 2ND RESPONDENT.

EXT.P2 TRUE COPY OF THE UNDERTAKING DATED NIL.

EXT.P3 TRUE COPY OF THE COMMUNICATION DATED 29.10.2000 OF THE SECRETARY, RTA.

EXT.P4 TRUE COPY OF THE ORDER DATED 28.7.2004 ISSUED BY THE 1ST RESPONDENT.

EXT.P5 TRUE COPY OF THE NOTICE DATED 30.3.2005 ISSUED BY THE THIRD RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 16742 OF 2005

Dated this the 29th day of November, 2007

JUDGMENT

Petitioner is challenging recovery proceedings for recovery of motor transport workers welfare fund contribution demanded for the years from 1998 to 2000 for four workers. Even though petitioner has put forward a case of partnership with her brothers, it is clear from the statement filed by respondents and the order of adjudication and order in appeal that adjudication is made on statement filed by petitioner's husband, who was authorised to represent the petitioner. Since the petitioner's husband, her authorised representative, has clearly stated before the second respondent that vehicle was operated by the petitioner for two years and four workers were employed during the said period, there is no justification to interfere with the determination order confirmed in appeal and demand of welfare fund contribution for four workers. W.P. is therefore devoid of any merit and is dismissed.

(C.N. RAMACHANDRAN NAIR)
Judge